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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|---------------------|------------------|
| 10/535,130   | 11/14/2005  | Peter Knoll            | 10191/3691          | 3607             |
| 26646 7590 03/14/2008<br>KENYON & KENYON LLP<br>ONE BROADWAY<br>NEW YORK, NY 10004 |             |                        |                     |                  |
| EXAMINER<br>LIEU, JULIE BICHNGOC   |             |                        |                     |                  |
| ART UNIT<br>2612   |             | PAPER NUMBER           |                     |                  |
| MAIL DATE<br>03/14/2008  |             | DELIVERY MODE<br>PAPER |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/535,130

**Applicant(s)**

KNOLL, PETER

**Examiner**

Julie Lieu

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 11-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office action is in response to Applicant's response filed February 04, 2008.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to disclose how the system can determine whether the object is visible to the driver, i.e. how it is determined that the object is generated PRIOR to the object becoming visible to the driver as claimed.

***Claim Rejections - 35 USC § 103***

5. Claims 11-20 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 2002/0011925).

Claim 11:

Hahn discloses a system, thus also method for warning a driver of a motor vehicle, comprising generating, in a direction of at least one object in a field of view of the driver, at least one optical warning by at least one signaling arrangement; the at least one object being situated in vicinity of the motor vehicle. See abstract and figs. 1-4. The reference fails to state that the at least one optical warning is generated at least prior to the at least one object becoming visible to the driver. However, it would have been obvious to one skilled in the art that the Hahn system generates the warning prior to the object becoming visible to the driver because Hahn's system is design to generate warning to the driver of impending danger.

Claim 12:

In the Hahn system, the at least one optical warning includes at least one of at least one patch of light and at least one warning symbol. See figs. 2-4.

Claim 13:

In the Hahn system, at least one of display duration, a repetition frequency, a size, a color, and an intensity of the at least one optical warning is changeable.

Claim 14:

The reference fails to state that the at least one optical warning is generated immediately prior to the at least one object becoming visible to the driver. However, the reference does state

that the display unit displays the specific image or symbol at locations of field of view of the operator and the duration of the specific image or symbol lying below a conscious and above an unconscious perception threshold of the operator (see abstract). Thus, it infers that the display displays the image prior to the object becoming visible to the driver.

Claim 15:

The optical warning in Hahn's system is generated as a function of a dangerousness of a driving situation. Para [0010].

Claim 16:

In the Hahn system, the at least one optical warning is at least generated as a function of an optical signal of surroundings of the motor vehicle, the optical signals being generated by at least one image-sensor system including an infrared-sensitive image-sensor system. Para [0010].

Claim 17:

The least one of at least one projection device and at least one heads-up display shown in Hahn's serves as the at least one signaling arrangement generates the at least one optical warning.

Claim 18:

Hahn discloses a device for warning a driver of a motor vehicle, comprising:  
at least one signaling arrangement for generating at least one optical warning, the at least one signaling means including an arrangement for generating the at least one optical warning in a direction of at least one object in a field of view of the driver, and the at least one object being situated in a vicinity of the motor vehicle, wherein the at least one signaling arrangement includes an arrangement for generating the at least one optical warning in the direction of the at

least one object in the vicinity of the motor vehicle at least prior to the at least one object becoming visible to the driver. See abstract and figs. 1-4. The reference fails to state that the at least one optical warning is generated at least prior to the at least one object becoming visible to the driver. However, it would have been obvious to one skilled in the art that the Hahn system generates the warning prior to the object becoming visible to the driver because Hahn's system is design to generate warning to the driver of impending danger.

Claim 19:

In the Hahn system, the at least one signaling arrangement includes at least one of:  
an arrangement for generating at least one of at least one patch of light and at least one warning symbol as the at least one optical warning;  
an arrangement for changing at least one of a display duration, a size, a color, and an intensity of the at least one optical warning;  
an arrangement for generating the at least one optical warning as a function of a dangerousness of a driving situation.

See figs. 1-4 and para. [0010],

Claim 20:

The Hahn system includes at least one infrared-sensitive image-sensor system for generating an optical signal of surroundings of the motor vehicle, wherein the at least one signaling arrangement includes at least one of a projection device and at least one head-up display. See figs. 2-4 and para. [0010].

***Response to Applicant's Remarks***

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.  
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julie Lieu/

Primary Examiner, Art Unit 2612

Mar 04, 08

**Application Number****Application/Control No.**

10/535,130

**Applicant(s)/Patent under  
Reexamination**

KNOLL, PETER

**Examiner**

Julie Lieu

**Art Unit**

2612